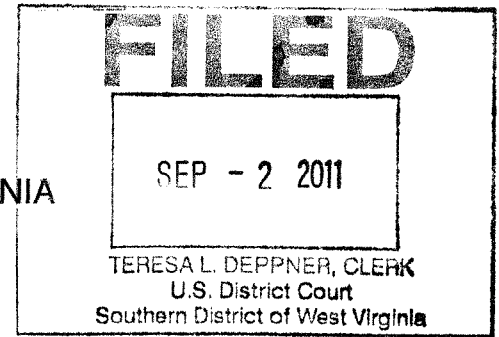


UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA



United States of America,
Plaintiff,

v

Civil Action No. 2:10-1087
Judge Copenhaver

\$88,029.08, More or less
in a bank instrument and
United States currency.

(Katherine A. Hoover MD and
John F. Tomasic, interested parties.)


RESPONSE TO THE COURT ORDER REGARDING DR. HOOVER'S
DEPOSITION AND A REQUEST FOR A STAY OF PROCEEDINGS
PENDING AN INTERLOCUTORY APPEAL


NOW COME John F. Tomasic and Katherine A. Hoover MD, his wife, pro se, to relate to the Court their purpose for this pleading. The practice of medicine is controlled by the medical community and the consistent opinion by doctors is that a patients in pain deserve treatment. This is a medical decision made at the time of the doctor-patient visit, not a legal decision made after the fact. Doctors perform in the present with a view to improving their patients' future. Law enforcement picks apart the past attempting to find criminal acts when frequently there are none. The deposition requested by the United States of Dr. Hoover is a fishing expedition to gather evidence to attempt to file criminal charges where none exist. This is exactly what the Fifth Amendment is designed to protect. Further, the case is now ripe for an interlocutory appeal to the Fourth Circuit and the interested parties request a stay of the proceedings pending that appeal.

HISTORY OF DEPOSITION NOTICES AND PLEADINGS

On August 8, 2011, the interested parties filed RESPONSE TO MOTION TO COMPEL DR. HOOVER'S DEPOSITION which explains in detail that the entire \$88,029.08 seized from WesBanco xxxx7905 belonged to John F. Tomasic and not to Katherine A. Hoover MD. There has been no response by the United States to that Motion and no discussion of that Motion in the Order authored by Magistrate

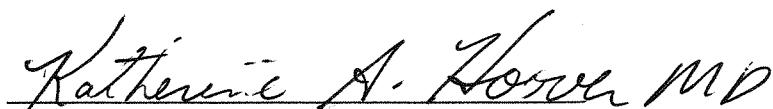
Respectfully submitted,


John F. Tomasic


Katherine A. Hoover MD

CERTIFICATE OF SERVICE

I, Katherine A. Hoover MD, do hereby certify that a true and correct copy of the foregoing RESPONSE TO THE COURT ORDER REGARDING DR. HOOVER'S DEPOSITION AND A REQUEST FOR A STAY OF PROCEEDINGS PENDING AN INTERLOCUTORY APPEAL has been faxed to AUSA Fred Westfall on September 1, 2011 at 304-347-5443.

A handwritten signature in cursive script that reads "Katherine A. Hoover MD". The signature is written in black ink and is positioned above the printed contact information.

Katherine A. Hoover MD
c/o Dr. Norman Gay
N-3222
West Bay Medical Clinic
West Bay Street
Nassau, N.P., Bahamas
242-525-4018

Express

International Air

COMMERCIAL INVOICE LABEL

DELIVERY RECORD LABEL

DELIVERY REATTEMPT LABEL

1	From	Sender's FedEx Account Number		142598574
Date	05/26/11			
Sender's Name	Fred B. Westfall, Jr.		Phone 304-245-2200	
Company	USDOJ/U.S. Attorney's Office			
Address	4000 U. S. Courthouse			
Address	300 Virginia Street East			
City	Charleston	State	WV	
Country	USA	ZIP Postal Code	25301	
2	To	Recipient's Name		Phone
		Katherine Hoover MD		242-345-4016
	Company	c/o Norman Gay MD		
Address	247 West Bay Street		Dept/Floor	
Address	Nashua		State	NP
City	Nashua		Province	NP
Country	Bahamas		ZIP Postal Code	
Recipients Tax ID Number for Customs Purposes e.g. 657629476/NZ/MAN/0000000000 or as locally required.				
3	Shipment Information			
Total Packages Shipper's label and Commercial		<input type="checkbox"/> For EU Only: Tick here if goods are not for free circulation and provide CI. Total Weight 5.5 lbs/kg DIM 1 / 10 / 11 in. cm		
Commodity Description		Harmonized Code	Country of Manufacture	Value for Customs
Copy of civil notice			USA	1.00
Item ESI been filed in AES? <input type="checkbox"/> No ESI required, value \$2,500 or less per Cdt. B Number. <input type="checkbox"/> No license required (N/A, not subject to DDT). For US Export only, check one: <input type="checkbox"/> No ESI required, enter accession number. <input type="checkbox"/> If other than N/A, enter License Exception.		Total Declared Value for Carriage Total Value for Customs (Specify Currency) 1.00		
<input type="checkbox"/> Yes - Enter AES prod. of filing citation. <input type="checkbox"/> No				

[illegible]

KATHERINE A. HOOVER MD
c/o Dr. Norman Gay
N-3222
West Bay Medical Clinic
West Bay Street
Nassau, N.P., Bahamas
242-328-4014

August 29, 2011

AUSA Fred Westfall
United States' Attorney's Office for the
Southern District of West Virginia
300 Virginia St. East
Suite 4000
Charleston, West Virginia 25301

Dear Mr. Westfall:

Re: 2:10-cv-1087 and the requested deposition of Dr. Hoover

I received your notice of deposition today. Things have been chaotic with Hurricane Irene and other personal challenges. I sent a Motion to the Court regarding my Fifth Amendment rights. From my research, subpoenas are only valid for the fifty contiguous states.

Since Judge Copenhaver ruled on Subject Matter jurisdiction, we will file an Interlocutory appeal with the Fourth Circuit within the required thirty days and request a stay of all proceedings. We certainly believe that Judge Copenhaver has misinterpreted the evidence supporting the control of medical practice within the States and the medical community. The current vendetta against doctors will result in more crime, more suffering and more deaths. The sensible approach would be to drop your misguided criminal investigation against me and the medical practice formerly located in Williamson and work on a plan that will improve Southern West Virginia. Putting more people in jail solves nothing and causes great suffering; putting more people to work improves everything. That was our goal for all of our patients and we succeeded with many.

Sincerely,

Katherine A. Hoover MD
Katherine A. Hoover MD

KATHERINE A. HOOVER MD
c/o Dr. Norman Gay
N-3222
West Bay Medical Clinic
West Bay Street
Nassau, N.P., Bahamas
242-328-4014/242-322-1191

AUSA Fred Westfall
by fax: 304-347-5443

Dear AUSA Westfall,

Re: 2:10-cv-1087 and Deposition of Dr. Hoover

I left a voice mail this morning that I was available at 242-322-1191. You failed to call or make contact. I called to ascertain whether or not you received the message. I was informed that you did receive my message.

Sincerely,

A handwritten signature in cursive script that reads "Katherine A. Hoover MD".

Katherine A. Hoover MD